

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Civil Action No. 04-30072-MAP

JOSEPH ROSEMOND,)
Plaintiff)
)
v.)
)
STOP AND SHOP SUPERMARKET)
COMPANY,)
Defendant)
_____)

MOTION FOR LEAVE TO FILE SURREPLY
TO REPLY MEMORANDUM OF LAW IN SUPPORT OF SUMMARY JUDGMENT
(ASSENTED TO)

Pursuant to Federal Rule of Civil Procedure 7 and Local Rule 7.1(B)(3), the Plaintiff Joseph Rosemond hereby requests leave to file a Surreply to the Reply Memorandum of Law in Support of Defendant's Motion for Summary Judgment ("Reply"), filed on August 19, 2005. In support of this motion, Mr. Rosemond states as follows:

A Surreply is necessary to fully address the legal issues raised in the Reply of Defendant Stop & Shop Supermarket Company, LLC ("Stop & Shop"). Stop & Shop's Reply contained several misinterpretations of the law and mischaracterized Mr. Rosemond's legal arguments. Clarification of these legal issues will assist the Court in rendering its decision on the pending motion.

The hearing of Defendant's Motion for Summary Judgment is scheduled for October 6, 2005. If the Court grants this Motion, Mr. Rosemond will submit his Surreply no later than September 7, 2005.

Stop & Shop has assented to this motion.

WHEREFORE, the Plaintiff moves for leave to file a Surreply to the Reply Memorandum of Law in Support of Defendant's Motion for Summary Judgment.

Respectfully submitted,

THE PLAINTIFF,
By His Attorney

THE DEFENDANT,
By Its Attorney

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Dated: August 24, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following via first class mail, postage prepaid to :

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Date: August 24, 2005

/S/ Tani E. Sapirstein
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